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In re Application of :
JEAN-LOUIS RUELLE et al. :
Application No.: 09/889,283 : DECISION
PCT No.: PCT/EP00/00135 :
Int. Filing Date: 10 January 2000 :
Priority Date: 15 January 1999 :
Attorney Docket No.: BM45348 :
For: NEISSERIA MENINGITIDIS ANTIGENIC :
POLYPEPTIDES, CORRESPONDING :
POLYNUCLEOTIDES AND PROTECTIVE ANTIBODIES:

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 regarding the withdrawal of abandonment in the above referenced application.

On 27 September 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required. A two month period of time was set to respond to the Notification.

On 26 February 2002, applicant submitted a response to the Notification of Missing Requirements in the United States Patent and Trademark Office (USPTO) and request for a three month extension of time, which is granted. The executed declaration and authorization to charge \$130 surcharge and fees for a three month extension of time to applicant's deposit account accompanied the response.

On 09 July 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was erroneously mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

A review of the finance records for this application indicate that the \$130 surcharge and fees for three month extension of time were paid. The 26 February 2002 submission was timely filed and is found in the application file including the declaration executed by the inventors.

CONCLUSION

For the reasons stated above, the Notification of Abandonment (Form PCT/DO/EO/909) mailed on 29 July 2002 was issued erroneously and is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **26 February 2002**.



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